

Framingham Draft Charter

For Discussion Purposes

Version 09.12.16

Key:

Text in RED has not been voted on by charter commission.

Note:

This draft document will evolve as the Charter Commission makes its initial choices and decisions, and some are likely to be revisited. Center experience suggests that “straw votes” help to keep the process moving, but final votes on each section, and on the charter in its entirety, necessarily occur toward the end of the charter preparation process.

Discussion Draft

Preamble (tbd)

Discussion Draft

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Article I: INCORPORATION; SHORT TITLE; DEFINITIONS

1. INCORPORATION

The inhabitants of Framingham, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name “Town of Framingham.”

2. SHORT TITLE

This instrument shall be known and may be cited as the Framingham Charter.

3. DIVISION OF POWERS

The administration of the fiscal, prudential and municipal affairs of Framingham, with the government thereof, shall be vested in an executive branch headed by a mayor and a legislative branch to consist of a council. The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.

4. POWERS OF THE TOWN

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or general laws of the commonwealth, it is the intention and the purpose of the voters of Framingham through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated in this act.

5. CONSTRUCTION

The powers of Framingham under this charter are to be construed liberally in favor of the municipality, and the specific mention of any particular power is not intended to limit the general powers of the municipality as stated in this Article. To the extent that any provision of this charter shall conflict with any special act or general law adopted by the municipality to the contrary, the provision of this charter shall prevail.

6. INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or general laws of the commonwealth, Framingham may exercise any of its powers or perform any of its functions, and may participate in their financing, jointly or in cooperation, by contract or otherwise, with the commonwealth or any agency or political subdivision of the commonwealth, or with the United States government or any of its agencies.

7. DEFINITIONS

Unless another meaning is apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

“Charter”: this charter and any adopted amendments to it.

“Department director”: any official responsible for running a department or division of the town that reports to a Division Head.

“Division head”: any official that manages department directors or that reports directly to the mayor.

“Emergency”: a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

“Ex-Officio”: by virtue or because of an office.

“Full council, full multiple-member body”: the entire authorized complement of the municipal council, school committee or other multiple-member body notwithstanding any vacancy which might exist.

“General laws”: laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of 2 or more cities and towns of which Framingham is a member.

“Initiative measure”: a measure proposed by the voters through the initiative process provided under this charter.

“Local newspaper”: a newspaper of general circulation within Framingham, with either a weekly or daily circulation, and local media website.

“Majority vote”: when used in connection with a meeting of a multiple-member body shall mean a majority of those present and voting, unless another provision is made by ordinance.

“Measure”: any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the council or the school committee.

“Municipal or municipality”: the Town of Framingham.

“Municipal agency”: any multiple-member body, any department, division or office of the Town of Framingham.

“Municipal bulletin boards”: the bulletin board on which the municipal clerk posts official notices of meetings and upon which other official municipal notices are posted, and the bulletin boards at any other locations that may be designated municipal bulletin boards by the council, and the official website of the municipality.

“Municipal officer” or “Department Director”: when used without further qualification or description, a person having charge of an office, or department as defined in Article V, or who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the municipality.

“Multiple-member body”: any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the council or the school committee.

“Ordinance”: any rule, law, regulation or resolution adopted by the municipality in accordance with this charter.

“Organization or reorganization plan”: a plan submitted by the mayor to the council which proposes a change in the organization of the administrative structure of the municipal government, or a change in the way in which a municipal service, or services are delivered.

“Quorum”: a majority of the full multiple-member body, full council or full school committee unless some other number is required by law or by ordinance.

“Referendum measure”: a measure adopted by the council or the school committee that is protested under the referendum procedures of this charter.

“Special act”: a law enacted by the state legislature which applies only to Framingham.

“Voters”: registered voters of the town of Framingham.

Article II: LEGISLATIVE BRANCH

1. COMPOSITION, TERM OF OFFICE

- a) Composition: There shall be a council of 13 members which shall exercise the legislative powers of Framingham. Four of these members, to be known as councilors-at-large, shall be nominated and elected by and from the voters at large. Nine of these members, to be known as district councilors, shall be nominated and elected by and from the voters of each district, one district councilor to be elected from each of the 9 districts into which the municipality is divided, under section [??-??].
- b) Term of Office: The term of office for councilors-at-large shall be for 4 years. The term of office for district councilors shall be 2 years. All terms shall begin on the first business day of January in the year following the councilor's election, and until their successors have been qualified.
- c) Eligibility: Any voter shall be eligible to hold the office of councilor-at-large. A district councilor shall at the time of election be a voter of the district from which elected, but, if the district councilor removes to another district in Framingham that office shall be considered vacant and the balance of the unexpired term shall be filled in the manner provided in section [??-??]. If the removal occurs after the first 16 months of the term of office, the councilor may continue to serve for the balance of the term for which elected. If a councilor-at-large or a district councilor removes from Framingham during the term for which elected, the office shall be considered vacant and filled in the manner provided in section [??-??].
- d) The council shall be the judge of the election and qualification of its members.

2. COUNCIL CHAIR

- a) Election and Term: As soon as practicable after the councilors-elect have been qualified following each regular municipal election, as provided in section [??-??], the members of the council shall elect from among its members a council chair who shall serve for a 2 year term of office.
- b) Powers and Duties: The council chair shall preside at all meetings of the council, regulate its proceedings and shall decide all questions of order. The council chair shall have the same powers to vote upon all measures coming before the council as any other member of the council. The council chair shall perform any other duties consistent with the office that may be provided by charter, by ordinance or by other vote of the council.
- c) Appointments of the Council Chair: The council chair shall appoint all members of all committees of the council, whether special or standing.
- d) Council Vice-Chair: The members of the council shall also elect from among its members a council vice-chair who shall serve as acting chair during the temporary absence or disability of the council chair during the current term of office. The powers of an acting council chair shall be limited to only those powers of the office

indispensably essential to the performance of the duties of the office during the period of temporary absence or disability.

3. PROHIBITIONS

- a) Holding Other Office or Position: No member of the council shall hold any other municipal office or municipal employment for which a salary or other emolument is payable from the Framingham treasury. No former member of the council shall hold any compensated appointed municipal office or appointed municipal employment until one year after the date on which the former member's service on the council has terminated.
- b) Interference with Administration: Except for the purpose of inquiries and investigations under section 7, the council and its members shall have contact with the officers and employees serving under the mayor, solely through the mayor, and neither the council nor any member of the council shall give orders or directions to any such officer or employee, either publicly or privately.

4. COMPENSATION, EXPENSES

- a) Compensation: The members of the council shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of councilors shall be effective unless it shall have been adopted during the first 18 months of the term for which councilors are elected; the ordinance shall provide that the salary increase is to take effect upon the organization of the municipal government following the next municipal election.
- b) Expenses: Subject to appropriation and to prior authorization by the council, council members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties.

5. GENERAL POWERS

- a) Except as otherwise provided by general law or by this charter, all powers of Framingham shall be vested in the council which shall provide for their exercise and for the performance of all duties and obligations imposed upon the municipality by law.

6. EXERCISE OF POWERS; QUORUM; RULES

- a) Exercise of Powers: Except as otherwise provided by general law or by this charter, the legislative powers of the council may be exercised in a manner determined by it.
- b) Quorum: The presence of a majority of members shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Except as otherwise provided by general law or by this charter, the affirmative vote of the majority of members shall be required to adopt any ordinance or appropriation order.
- c) Rules of Procedure: The council shall from time to time adopt rules regulating its procedures, which shall be in addition to the following:

- i. Regular meetings of the council shall be held at a time and place fixed by ordinance, provided that the council meets at least once per month;
- ii. Special meetings of the council shall be held at the call of the council chair, or, at the call of any 4 or more members, by written notice delivered in hand or to the place of residence of each member and which contains a listing of the items to be acted upon. Except in case of an emergency, of which the council chair shall be judge, this notice shall be delivered at least 48 weekday hours in advance of the time set for the meeting. A copy of the notice to members shall immediately be posted upon the municipality's official bulletin boards and otherwise published as may be required by ordinance;
- iii. All sessions of the council and of every committee or subcommittee of the council, shall at all times be open to the public, unless another provision is made by law;
- iv. All votes on regular and emergency ordinances shall be by roll call;
- v. A full, accurate, up-to-date account of the proceedings of the council shall be kept, which shall include a record of each vote taken, and which shall be made available with reasonable promptness following each meeting. The minutes of any executive session shall be made available as soon as their publication would not defeat the lawful purpose of the executive session;
- vi. All business which is to come before the council shall first be assigned to a standing committee for study and a report with its recommendations to the full council unless the council shall otherwise vote; and
- vii. Any resident of Framingham may be recognized and speak to any agenda item discussed at council meetings. The council shall include in its rules procedures to address public participation at council meetings, including but not limited to, special rules which may govern such public participation at special or emergency meetings.

7. ACCESS TO INFORMATION

- a) In General: The council may make investigations into the affairs of the municipality and into the conduct and performance of any of its agencies and for this purpose may subpoena witnesses, administer oaths and require the production of evidence. Upon completion of the investigation, a report shall be submitted to the Clerk of the Council and the report shall be made available to the public..
- b) Officers, Members of Agencies, Employees: The council may require any officer, member of an agency or employee to appear before it to give any information that the council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the council. The [mayor/manager] shall receive notice of any such request at the same time as the officer, member, or employee is notified.
- c) Mayor: The council may require the mayor to provide specific information to it on any matter within the jurisdiction of the council. The council may require the mayor to appear before it, in person, to respond to written questions made available to the mayor at the time the request to attend is made to the mayor, to provide specific information on the conduct of any aspect of the business of the municipality. The mayor may bring to this meeting any assistant, department director or other officer or employee that the mayor may consider necessary to assist in responding to the questions posed by the council.

- d) Notice: The council shall give not less than five days advance notice to any person it may require to appear before it under this section. The notice shall include specific questions on which the council seeks information, and no person called to appear before the council under this section shall be required to respond to any question not relevant or related to those presented in advance and in writing. Notice shall be by delivery in hand, or by registered or certified mail to the last known place of residence of that person.

8. OFFICERS AND COMMITTEE APPOINTED BY COUNCIL

- a) Auditor: The council shall appoint an auditor to serve for a term of three years and until a successor is chosen and qualified. The auditor shall conduct, or cause to be conducted, financial and performance audits following government auditing standards as promulgated by the comptroller-general of the United States. The auditor shall make periodic reports to the council in such detail and with such frequency as the council shall, by ordinance, by rule or by other vote, direct. All officials of the municipality shall cooperate with the auditor in the performance of this audit function. The auditor shall have such other powers and duties as may be provided by charter, by ordinance or by other vote of the council.
- b) Clerk: The council shall appoint a clerk to serve for a term of three years and until a successor is chosen and qualified. The clerk shall, with the approval of the council, appoint an assistant clerk to serve conterminously with the clerk. The clerk shall be the keeper of vital statistics for the municipality; the custodian of the Framingham seal; shall administer the oath of office to all persons, elected or appointed, to any office; shall issue such licenses and permits as are required by law to be issued by clerks; and shall supervise and manage the conduct of all elections and all other matters relating to elections. The clerk shall have any other powers and duties that are given to municipal clerks by general law, by this charter, by ordinance or by other vote of the council.
- c) Clerk of the Council: The council shall appoint a clerk of the council to serve for a term of three years and until a successor is chosen and qualified. The clerk of the council shall give notice of its meetings to its members and to the public, keep the journal of its proceedings and perform any other duties that may be provided by ordinance or by other vote of the council.
- d) Salaries/Compensation: The officers appointed or elected by the council shall receive the salaries or other compensation that may from time to time be provided for these offices, by ordinance.
- e) Removal/Suspension: Any person appointed or elected by the council may be removed or suspended by the council by the use of the procedures established in the municipality's personnel ordinance for the removal of municipal employees appointed or elected by the council.

9. ORDINANCES AND OTHER MEASURES

- a) Emergency Ordinances: No ordinance shall be passed finally on the date it is introduced, except in case of emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency ordinance unless the emergency is defined and declared in a preamble to the ordinance, separately voted upon and receiving the affirmative vote of 7 or more members of the council. Emergency ordinances shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted under this section is passed extending it, or unless a measure passed under this section has extended it.

- b) Measures, In General: The council may pass a measure through all of its stages at any one meeting, except proposed ordinances, appropriation orders and loan authorizations, if no member of the council shall object; but, if any single member objects, a vote on the measure shall be postponed to the next meeting of the council. On the first occasion that the question of adopting any measure is put to the council, except an emergency measure as defined in section 9 (a), if a single member objects to the taking of a vote, the vote shall be postponed until the next regular or special meeting of the council. This procedure shall not be used more than once for any measure notwithstanding any amendments made to the original measure.
- c) Publication: Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances under section 9 (a) of this article shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least 10 days before its final passage. After final passage it shall be posted on the municipal bulletin board and otherwise published as may be required by ordinance. Whenever a proposed ordinance or codification of ordinances or other measure would exceed in length 10 column inches of ordinary newspaper notice print, then, in lieu of publication in a local newspaper, the document may be published and made available at the office of the clerk in booklet or pamphlet form at least 10 days before its final passage, and this publication shall be considered sufficient notice. Whenever the council provides for publication in a booklet or pamphlet in lieu of the newspaper publication, it shall, at least 10 days before final passage, prepare and publish in a local newspaper and on the town bulletin board a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained by the public.

10. COUNCIL REVIEW OF CERTAIN APPOINTMENTS

- a) The mayor shall submit to the council the name of each person the mayor desires to appoint to any office, as a department director, or as a member of a multiple-member body, but not including any position that is subject to the civil service law. The council shall refer each name that is submitted to it to a standing committee of the council which shall investigate each candidate for appointment and may make a report, with recommendations, to the full council not less than 7 nor more than 21 days after the referral. The committee may require any person whose name has been referred to it to appear before the committee, or before the council, to give any information relevant to the appointment that the committee, or the council, may require.
- b) Appointments made by the mayor for department directors shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with

the clerk of the council, unless the council by a 2/3 vote shall within those 30 days vote to reject the appointment, or unless the council has voted to affirm the appointment earlier. The question on rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section [??-??].

- c) Appointments made by the mayor for multiple-member body members shall be submitted to the Council for its approval, provided that said appointments shall become effective on the thirtieth day after the date on which notice of the proposed appointment was filed with the clerk unless the council rejects said appointment within 30 days or the council has voted to affirm the appointment earlier. The question on approval or rejection of any appointment made by the mayor shall not be subject to the procedure of charter objection provided in section [??-??].

11. FILLING OF VACANCIES

a) Councilor-at-Large: Vacancy

- i) Vacancy during Initial 18 Months of Term: If a vacancy shall occur in the office of councilor-at-large during the first 18 months of the term for which councilors are elected, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding regular municipal election who received the largest number of votes without being elected, if that person remains eligible and willing to serve, and if that person received votes equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the regular municipal election. The clerk shall certify this candidate to the office of councilor-at-large to serve for the balance of the then unexpired term.
- ii) Vacancy between 19 and 21 Months of Term: If a vacancy shall occur in the office of councilor-at-large during the after the 18th month, but before the 21st month of the term to which elected, the vacancy shall be filled at the next regular municipal election and the candidate elected shall serve until the next following municipal election for the remainder of the term.
- iii) Vacancy after initial 21Months of Term, but prior to 44th Month of Term: If a vacancy shall occur after the 21st month of the term to which elected, but before the 44th month, the vacancy shall be filled in descending order of votes received by the candidate for the office of councilor-at-large at the preceding regular municipal election who received the largest number of votes without being elected, if that person remains eligible and willing to serve, and if that person received votes equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of councilor-at-large at the regular municipal election. The clerk shall certify this candidate to the office of councilor-at-large to serve until the next municipal election.

- iv) Vacancy during or after 44th month of Term: Any vacancy in the office of councilor at large during or after the 44th month of the term to which elected shall be filled at the next municipal regular municipal election. The candidate so elected shall take office immediately, and serve for the remaining 2 months of the present term as well as to the term to which elected.
- b) District Councilor: If a vacancy shall occur in the office of district councilor it shall be filled in the same manner as provided in section 2-11(a) of this article for the office of councilor-at-large except that the list shall be of the candidates for the office of district councilor in the district in which the vacancy occurs. However, if there be no candidate on that list who remains eligible and willing to serve, the next highest ranking candidate from among the candidates for election to the council at large who is a resident of the district in which the vacancy exists, shall be certified and shall serve until the next regular municipal election if that candidate remains a resident of the district, is willing to serve as a district councilor, and received votes in the district equal to at least 30 per cent of the vote total received by the person receiving the largest number of votes for the office of district councilor at the regular municipal election. The clerk shall certify that candidate to the office of district councilor to serve for the balance of the then unexpired term. Any vacancy occurring after the 18th month of the term shall be filled at the next regular municipal election. The candidate so elected shall take office immediately, and serve for the remaining 2 months of the present term as well as to the term to which elected.
- c) Filling of Vacancies By Council: Whenever a vacancy shall occur in the office of councilor-at-large or in that of district councilor and there is no available candidate to fill the vacancy in the manner provided in section 2-11 (a I, ii, iii, or iv) or (b) of this article, the vacancy shall be filled by vote of the remaining members of the council. Notice of said council vacancy shall be posted for a minimum of 14 days prior to the meeting at which the council shall fill any such vacancy.
- d) Persons elected to fill a vacancy either by the manner provided in section 2-11 (a I, ii, iii, or iv) or (b) of this article or by the council shall serve only until the next regular municipal election.

Article III: EXECUTIVE BRANCH

1. MAYOR: QUALIFICATIONS; TERM OF OFFICE; COMPENSATION

- a. Mayor, Qualifications: The chief executive and administrative officer of the municipality shall be a mayor, elected by and from the voters of the municipality at large. Any voter shall be eligible to hold the office of mayor. The mayor shall devote full time to the office and shall not hold any other elective public office, nor shall the mayor be engaged in any other business, occupation or profession during the period of service as mayor.
- b. Term of Office: The term of office of the mayor shall be four years beginning on the first business day of January following the regular municipal election at which elected and until a successor is qualified.
- c. Compensation: The Council shall, by ordinance, establish an annual salary for the mayor. No ordinance altering the salary of the mayor shall be effective unless it shall have been adopted in the first 18 months of the term for which the mayor is elected and unless it provides that the salary is to become effective in January of the year following the next regular municipal election for mayor.
- d. Expenses: Subject to appropriation, the mayor shall be entitled to reimbursement of the actual and necessary expenses incurred in the performance of the duties of the office.
- e. Prohibitions: The mayor shall hold no other municipal office or municipal employment for which a salary or other emolument is payable from the municipal treasury. No former mayor shall hold any compensated appointed municipal office or municipal employment until one year after the date on which the former mayor's term of office has terminated. This subsection shall not prevent a municipal officer or other municipal employee who has vacated a position in order to serve as mayor from returning to the same office or other position of municipal employment held at the time such position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least one year following the termination of service as mayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

2. EXECUTIVE & ADMINISTRATIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive and administrative powers of the municipality shall be vested solely in the mayor, and may be exercised by the mayor either personally or through the several municipal agencies under the general supervision and control of the office of the mayor. The mayor shall cause the charter, the laws, the ordinances and other orders for the government of the municipality to be enforced and shall cause a record of all official acts of the executive branch of the municipal government to be kept. The mayor shall exercise a general supervision and direction over all municipal agencies, unless otherwise provided by law, by the charter or by ordinance. Each municipal agency shall furnish to the mayor, immediately upon request, any information, materials or otherwise that the mayor may request and that the needs of the office of mayor and the interest of the municipality may require. The mayor shall supervise, direct and be responsible for the efficient administration of all municipal activities and functions placed under the control of the mayor by law, by this charter, by ordinance or otherwise. The mayor shall be

responsible for the efficient and effective coordination of the activities of all agencies of the municipality of Framingham and for this purpose shall have authority, consistent with law, to call together for consultation, conference and discussion at reasonable times all persons serving the municipality, whether elected directly by the voters, chosen by persons elected directly by the voters, or otherwise. The mayor shall serve as an ex officio member of every multiple-member body with the right to attend any meeting at any time, including executive sessions, to participate in the discussions, to make motions and to exercise every other right of a regular member of such body, but not including the right to vote.

3. APPOINTMENTS BY THE MAYOR

- a) The mayor shall appoint, subject to the review of the appointments by the Council under Article II, all municipal officers, department directors, employees and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only persons serving under the school committee, and persons serving under the Council. Except as may otherwise be required by the civil service law, appointments made by the mayor shall be for indefinite terms, excepting persons categorized as division heads and department directors who shall serve two-year terms and the chief financial officer and the town counsel who shall serve coterminous with the term of mayor. Division heads and department directors shall, subject to the consent of the mayor, appoint all assistants, subordinates and other employees of the agency for which that person is responsible. All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and previous work experience to perform the duties of the office or position for which chosen.
- b) The mayor shall appoint the members of the following committees, boards or commission for whom no other method of appointment or selection is provided by the charter, including, but not limited to, the following:
 - i. Board of Assessors
 - ii. Board of Health
 - iii. Community Development Committee
 - iv. Conservation Committee
 - v. Constables
 - vi. Council on Aging
 - vii. Cultural Council
 - viii. Cushing Memorial Chapel Advisory Committee
 - ix. Disability Commission
 - x. Economic Development Industrial Commission
 - xi. Elderly & Disabled Tax Fund Committee
 - xii. Fair Housing Committee
 - xiii. Historic Commission
 - xiv. Historic District Commission

- xv. Housing Authority
- xvi. Human Relations Commission
- xvii. Loring Arena Committee
- xviii. Park and Recreation Commission
- xix. Planning Board
- xx. Regional Vocational School Committee
- xxi. Registrar of Voters
- xxii. Retirement Board
- xxiii. Veterans Council
- xxiv. Zoning Board of Appeals

- c) The mayor shall also appoint and such ad hoc committees or working groups as the mayor deems appropriate to assist in the efficient, effective, judicious and responsive administration of the executive function including, but not limited to, a Capital Improvement Committee, Police Advisory Committee, Agricultural Advisory Committee.

4. REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

- a. Municipal Officers and Department Directors: The mayor may, in writing, remove or suspend any municipal officer or department director appointed by the mayor by filing a written statement with the municipal clerk, setting forth in detail the specific reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the municipal officer or department director. The municipal officer or department director may make a written reply by filing a reply statement with the municipal clerk, within 10 days after the date the statement of the mayor has been filed, but this reply shall have no effect upon the removal or suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a municipal officer or department director shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. The removal shall take effect 30 days after the date of filing in the office of the municipal clerk the notice of removal by the mayor.
- b. Other Municipal Employees: Unless some other procedure is specified in a collective bargaining agreement or by civil service law, a department director may suspend or remove any assistant, subordinate or other employee of the agency for which that person is responsible under the procedures established for suspension and removal in the personnel ordinance. The decision of the department director to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department director has determined a suspension or removal is appropriate may seek review of this determination by the mayor by filing a petition for review, in the office of the mayor, in writing, within 10 days after receipt of notice of this determination. The review by the mayor shall follow the procedures established for suspension and removal in the personnel ordinance. The decision of

the mayor shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for this suspension or removal solely in the mayor. Nothing in this section shall be construed to be a bar to any other review that may be provided by law.

5. TEMPORARY APPOINTMENTS TO MUNICIPAL OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a municipal office and the needs of the municipality require that the office be filled, the mayor may designate the head of another municipal agency or a municipal officer or municipal employee, or some other person to perform the duties of the office on a temporary basis until the position can be filled as otherwise provided by law, by the charter or by ordinance. The mayor shall file a certificate in substantially the following form, with the municipal clerk, whenever a person is designated under this section:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the municipality of Framingham.

(signed)

Mayor

Persons serving as temporary officers under the authority of this section shall have only those powers of the office essential to the performance of the duties of the office during the period of this temporary appointment. No temporary appointment shall be for more than 90 days, and not more than one extension of a temporary appointment may be made when a permanent vacancy exists in the office.

6. COMMUNICATIONS; SPECIAL MEETINGS

- a) Communications to the Council: Within 12 weeks after the start of each fiscal year the mayor shall submit to the Council and make available for public distribution a complete report on the financial and administrative activities of the municipality for the preceding fiscal year. The mayor shall, from time to time throughout the year, by written communications, recommend to the Council for its consideration such measures as, in the judgment of the mayor, the needs of the municipality require. The mayor shall, from time to time throughout the year by written communications, but no less than once per fiscal quarter, keep the council fully informed of the financial and administrative condition of the municipality and shall specifically indicate in these reports any fiscal, financial or administrative problems of the municipality.
- b) Special Meetings of the Council: The mayor may at any time call a special meeting of the council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the council. This

notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall immediately be posted on the municipal bulletin board.

- c) State of the City: Each year in the month of January the mayor shall present a report to a joint meeting of the council, school committee, all elected and appointed officials of the municipality, division heads and department directors on the state of affairs of the municipality.

7. APPROVAL OF MAYOR, VETO

Every order, ordinance, resolution or vote adopted or passed by the council relative to the affairs of the municipality, except memorial resolutions, the selection of municipal officers by the council and any matters relating to the internal affairs of the council, shall be presented to the mayor for approval. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with the specific reason or reasons for such disapproval attached to it, in writing, to the council. The council shall enter the objections of the mayor on its records, and, not sooner than 10 days, nor later than 30 days after the date of its return to the council, shall again consider the same measure. If the council, notwithstanding the disapproval by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be considered in force, notwithstanding the failure of the mayor to approve it. If the mayor has neither signed a measure nor returned it to the council within 10 days after the date it was presented to the mayor, the measure shall be considered approved and in force.

8. TEMPORARY ABSENCE OF THE MAYOR

- a) Acting Mayor: Whenever, by reason of sickness, absence from the municipality or other cause, the mayor shall by his own decision be unable to perform the duties of the office for a period of more than 10 successive days, the Chair of the council shall be the acting mayor. In the event that the Chair chooses not to serve or is unable to serve, the council shall elect one of its members to serve as acting mayor.

- The mayor shall, by a letter filed with the council and a copy filed with the municipal clerk, designate a qualified officer or employee to serve as acting mayor during the temporary absence of the mayor for periods of less than 10 successive days and to serve only when the needs of the municipality require and only to the extent necessary under the then circumstances.

- b) Powers of Acting Mayor: The acting mayor shall have only those powers of the mayor that are essential to the conduct of the business of the municipality in an orderly and efficient manner and on which action may not be delayed. The acting mayor shall have no authority to make any permanent appointment or removal from municipal service unless the disability of the mayor shall extend beyond 60 days nor shall an acting mayor approve or disapprove of any measure adopted by the council unless the time within

which the mayor must act would expire before the return of the mayor. During any period in which any member of the council is serving as acting mayor, that councilor shall not vote as a member of the council.

9. DELEGATION OF AUTHORITY BY MAYOR

The mayor may authorize any subordinate officer or employee of the municipality to exercise any power or perform any function or any duty which is assigned by this charter, or otherwise, to the mayor, and the mayor may rescind or revoke any authorizations previously made, but all acts performed under any delegation of authority during this period of authorization shall be and remain the acts of the mayor. Nothing in this section shall be construed to authorize a mayor to delegate the power of appointment to municipal office or employment or to sign or return measures approved by the council.

10. VACANCY IN OFFICE OF MAYOR

- a) Special Election: If a vacancy in the office of mayor occurs during the first three years of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity, or otherwise, the council shall immediately, in the manner provided in section 7-1, order a special election to be held not less than 90 nor more than 120 days after the date the vacancy is created, to fill that vacancy for the balance of the then unexpired term. If a regular municipal election is to be held within 120 days after the date the vacancy is created, a special election need not be held and the position shall be filled by vote at the regular municipal election.
- b) Council Election: If a vacancy in the office of mayor occurs in the fourth year of the term for which the mayor is elected, whether by reason of death, designation, removal from office, or otherwise, the chair of the council shall become the mayor, provided, however, that if the Council chair chooses not to serve or is unable to serve, the council shall elect another member of the council to serve as mayor. Upon the qualification of the chair of the council or other councilor chosen to serve as the mayor under this section, a vacancy shall exist in that council seat on the council and shall be filled in the manner provided in section 2-11. The council chair or other councilor serving as mayor under this subsection shall not be subject to the restrictions contained in the third sentence of section 3-1(a), nor shall such person be entitled to have the words “candidate for re-election” printed against their name on the election ballot.
- c) Powers, Term of Office: The mayor elected under Section 3-10 (a) or (b) shall have all the powers of the mayor. A person elected under subsection (a), above, shall serve for the balance of the term unexpired at the time of election to the office. A person chosen under subsection (b), above, shall serve until the time of the next regular municipal election at which time the person elected to fill the office for the ensuing term of office shall serve, in addition, for the balance of the then unexpired term.

11. STRATEGIC PLANNING

- a) Master Plan:

- i. Content: There shall be a long-range strategic master plan containing the plan elements described in section 81D of chapter 41 of the General Laws and shall include, but shall not be limited to, arts, culture, recreation, open space and housing; provided however, that the municipality may also undertake planning activities relating to particular services or specific geographic areas within the municipality as the mayor or council may also direct.
- ii. Adoption: Within two years of the swearing in of a new mayor and not less frequently than every 8 years, the mayor shall submit a comprehensive plan, including the recommendations from the planning and development board, to the council for adoption with or without amendments.

b) Long Range Administrative Plan:

- i. The Mayor shall prepare in conjunction with department heads, boards of the municipality, the council, and residents a long range administrative plan every 10 years in the year ending in a zero. Said plan shall be updated every two years. The long range plan shall address financial, service, and infrastructure needs of the municipality and shall be coordinated with the findings and recommendations of any master plan then in effect.

Article IV: SCHOOL DEPARTMENT

1. SCHOOL COMMITTEE

- a. Composition, Term of Office: There shall be a school committee which shall consist of nine members. Members shall be nominated and elected by districts. The mayor shall serve, by virtue of office, as an ex-officio member of the school committee shall only vote to break a tie vote and shall be ineligible to serve as chair, vice-chair or clerk.
- b. Term of Office: The term of office for the nine school committee members elected by the voters shall be for two years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified.
- c. Eligibility: A school committee member shall at the time of election be a voter. If a school committee member removes from the municipality during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in Article IV.

2. SCHOOL COMMITTEE CHAIR

- a. Election and Term: As soon as practicable after the school committee members-elect have been qualified following each regular municipal election under section Article VII the school committee shall organize by electing one of the persons elected to the office of school committee member to serve as school committee chair and one of the persons elected to the office of school committee member to serve as school committee vice-chair until the next regular municipal election, provided, however, that the mayor shall be ineligible to serve as chair.
- b. Powers and Duties: The school committee chair shall preside at all meetings of the school committee, regulate its proceedings and shall decide all questions of order. The school committee chair shall appoint all members of all committees of the school committee, whether special or standing. The school committee chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee chair shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the school committee.

3. PROHIBITIONS

No member of the school committee shall hold any school department office for which a salary or other emolument is payable from the municipal treasury. No former member of the school committee shall hold any compensated school department office until 1 year after the date on which the member's service on the school committee has terminated.

4. COMPENSATION, EXPENSES

- a. Compensation: The members of the school committee shall receive such salary for their services as may from time to time be set by ordinance. No ordinance increasing the salary of members shall be effective unless it shall have been adopted during the first 18 months of the term; the ordinance shall provide that the salary increase is to take effect upon the organization of the municipal government following the next municipal election.
- b. Expenses: Subject to appropriation and to prior authorization by the school committee, the school committee members shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties

5. SCHOOL COMMITTEE POWERS AND DUTIES

- a) The school committee shall have all powers which are conferred on school committees by general laws and any additional powers and duties that may be provided by the charter, by ordinance, or otherwise and are not inconsistent with the grant of powers conferred by general laws. The powers and duties of the school committee shall include, but not be limited by, the following:
 - i. To appoint a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as provided in section 59 of chapter 71 of the General Laws;
 - ii. To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be considered necessary or desirable;
 - iii. To adopt and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the council. The school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment. The school committee shall provide ordinary maintenance of all school buildings and grounds, but the council may, by ordinance, provide for the establishment of a central municipal maintenance department which may, subject to the approval of the school committee, include maintenance of school buildings and grounds.

6. FILLING OF VACANCIES

If a vacancy shall occur in the office of school committee member, the vacancy shall be filled by a majority vote of the combined total number of members of the council and school committee meeting in a joint session.

Article V: ADMINISTRATIVE ORGANIZATION

TBD

Discussion Draft

Article VI: FINANCE AND FISCAL PROCEDURES

1. FISCAL YEAR

The fiscal year of the municipality shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

2. SCHOOL COMMITTEE BUDGET

- a) Public Hearing: The school committee shall hold a public hearing on the school committee budget.
- b) Submission to Mayor: The proposed budget adopted by the school committee shall be submitted to the mayor at least 21 days before the date the mayor is required to submit a proposed municipal budget to the council, to allow the mayor sufficient time within which to consider the effect the school department's requested appropriation will have upon the total municipal operating budget the mayor is required to submit to the council under this article. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment to the proposed budget as may be offered shall be recorded.

3. SUBMISSION OF BUDGET AND BUDGET MESSAGE

Not later than 60 days before the start of the municipal's fiscal year, the mayor shall submit to the council a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The mayor shall simultaneously provide the entire document on the municipal bulletin board. The summary shall specifically indicate any major variations from the current operating budget and the reason for these changes.

4. BUDGET MESSAGE

The budget message of the mayor shall explain the budget for all municipal agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the municipality for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current fiscal year in financial policies, expenditures and revenues together with the reasons for these changes, summarize the municipal's debt position and include other material that the mayor considers desirable, or that may be required by the provisions of a municipal ordinance.

5. THE BUDGET

The proposed operating budget shall provide a complete financial plan for all municipal funds and municipal activities for the ensuing fiscal year. Except as may otherwise be required by general law, or this charter, it shall be in the form that the mayor considers desirable or that a municipal ordinance may require. In the presentation of the budget, the mayor shall use modern concepts of fiscal presentation so as to furnish an optimum level of information and the best financial control. The budget shall show in detail all estimated

income from the proposed property tax levy and from all other sources and all proposed expenditures, including debt service, for the fiscal year. The budget shall be arranged to show the actual income and expenditures for the previous three fiscal years and the estimated income and expenditures for the current and ensuing fiscal years and shall indicate in separate sections:

- Proposed expenditures for current operations during the ensuing fiscal year, detailed by municipal agency and position, in terms of work programs, and the method of financing such expenditures;
- Proposed capital expenditures during the ensuing fiscal year, detailed by municipal agency, and the proposed method of financing each capital expenditure;
- The relationship of each proposed capital expenditure to the capital improvement program required to be submitted under section 6-10; and,
- Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

6. ACTION ON THE BUDGET

- a) Public Hearing: Immediately upon its receipt of the proposed operating budget, the council shall refer the budget to the council's committee on Finance. The Finance committee shall hold a public hearing on the proposed operating budget, providing no less than 10 days' notice of such hearing. The committee will thoroughly review the budget making a presentation and recommendation to the full council within 21 days.
- b) Finance committee: The Finance committee shall consider any or all questions which it deems appropriate for the purpose of considering the budget. It shall have authority at any time to investigate the books, accounts, and management of any department of the municipality and to require officers and employees of the municipality to appear before it and to provide information. With the approval of the full council, the Finance committee may employ such expert and other assistance as it may deem advisable for the foregoing purpose. The books and accounts of all departments and officers of the municipality shall be open to the inspection of the sub-committee and of any persons designated by it for that purpose. The committee may appoint working groups of its members and delegate to them such of its powers as it deems expedient.
- c) Review: The council shall consider the budget in open public meetings after hearing a report from the Mayor and Finance committee. The council may require the mayor, or any other municipal agency, to furnish such additional information as it may consider necessary to assist in its review and consideration of the proposed operating budget.
- d) Action by Council: The council shall adopt the budget, with or without amendments, within 21 days after the day the proposed budget was reported out by its Finance sub-committee. In amending the budget, the council may delete or decrease any programs or amounts except expenditures required by law, or for debt service, but, the council shall have no authority to add programs or increase amounts. If the council fails to take any action with respect to any item in the proposed budget within the 21 day period that amount shall, without any action by the council, become a part of the appropriations for the ensuing fiscal year and shall be available for the purposes specified.

7. SUPPLEMENTARY BUDGETS, OTHER APPROPRIATIONS

Whenever the mayor shall submit to the council a request for a new appropriation of any sum of money, either as a supplement to some item in the annual operating budget or for an item, or items, not included in the annual operating budget as adopted, the council shall not act upon the request until it has (1) been reviewed by the Finance sub-committee, (2) been posted on the municipal bulletin board for a minimum of ten days and (3) held a public hearing concerning the request. The publication of the notice and the public hearing shall be in conformity with Article II concerning the proposed annual operating budget.

8. ALLOTMENTS

On or before August first of each year, or within 10 days after the approval by the council and the mayor of the annual appropriation order for the fiscal year, whichever shall occur later, the municipal officials in charge of departments or agencies including the superintendent of schools for the school department, shall submit to the director of municipal finance, with a copy to the municipal clerk, in a form that the director of municipal finance may prescribe, an allotment schedule of the appropriations of all personnel categories included in the budget, indicating the amounts to be expended by the department or agency for those purposes during each of the fiscal quarters of the fiscal year, or such shorter time periods as the mayor or director of municipal finance, may prescribe. Whenever the director of municipal finance determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to this effect to the department director, the mayor, the municipal solicitor, and the municipal clerk who shall immediately transmit the notice to the council. Upon this determination and notice of it, the director of municipal finance shall provide these officers with additional reports on at least a monthly basis indicating the status of these accounts.

The mayor, within 7 days after receiving this notice, shall determine whether to waive or enforce the allotment. If the allotment for the period is waived or is not enforced, as provided above, the department or agency head shall reduce the subsequent period allotments appropriately. If the allotment for the period is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of the period. All actions, notices, and decisions provided for in this section shall be transmitted to the council and the municipal clerk within 7 days. No personnel expenses earned or accrued, within any department, shall be charged to or paid for that department's or agency's allotment of a subsequent period without approval by the mayor, except for subsequently determined retroactive compensation adjustments, approval of a payroll for payment of wages, or salaried or other personnel expenses which expenditure in excess of the allotment shall be a violation of this section by the department or agency head, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department director has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its appropriation for a fiscal year, the municipality shall have no obligation to pay the personnel cost or expense arising after the allotment or appropriation has been exhausted.

9. PERSONAL LIABILITY FOR EXPENDITURES IN EXCESS OF APPROPRIATIONS

No official of the municipality of Framingham, except in the case of an emergency involving the health and safety of the people, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the municipality in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that section 31 of chapter 44 of the General Laws shall be fully adopted and strictly enforced. Any official who violates this section shall be personally liable to the municipality for any amounts so expended to the extent the municipality does not recover these amounts from the person to whom the sums were paid.

10. CAPITAL IMPROVEMENT PROGRAM

The mayor shall submit a capital improvement program to the council at least 120 days before the start of each fiscal year. It shall include:

- a clear and concise general summary of its contents;
- a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement;
- cost estimates, methods of financing and recommended time schedules for each improvement;
- an inventory of all municipal assets, stating each's expected useful life; and,
- the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information is to be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

11. INDEPENDENT AUDIT

The council shall annually provide for an outside audit of the books and accounts of the municipality to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the municipality or any of its officers. The mayor shall annually provide to the council a sum of money sufficient to satisfy the estimated cost of conducting the audit as presented to the mayor, in writing, by the council. The award of a contract to audit shall be made by the council, on the recommendation of its Finance sub-committee on or before September fifteenth of each year. The Finance sub-committee shall coordinate the work of the individual or firm selected with municipal officials. The report of the audit shall be filed in final form with the council and the Finance committee, and posted on the municipal bulletin board not later than March first in the year following its award.

12. Contracts.

All contracts entered into for or in behalf of the municipality by any officer or municipal agency shall be subject to the approval of the mayor.

Discussion Draft

Article VII: ELECTIONS AND ELECTION RELATED MATTERS

1. ELECTIONS: GENERAL, PRELIMINARY

- a) The regular municipal election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.
- b) A preliminary election for the purpose of nominating candidates shall be held on the third Tuesday in September in every other odd-numbered year, but the municipal clerk may, with the approval of the municipal council, reschedule this election to the fourth Tuesday to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted 35 days preceding the date established for the special election.
- c) Signature Requirements: The number of voter signatures required to place the name of a candidate on the official ballot to be used at an election shall be as follows:
 - i) for the office of mayor, not less than 500 signatures, but at least 25 signatures must be certified from each district;
 - ii) for the office of councilor-at-large or school committee member, not less than 150 signatures, but at least 15 signatures must be certified from each district; and
 - iii) for the office of district councilor, not less than 50 signatures, all of which shall be from the district from which the nomination is sought.
- d) Determination of Candidates: The two persons receiving at a preliminary election the highest number of votes for nomination for any office shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which such office is to be voted upon, and no acceptance of a nomination shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons, in number equal to twice the number so to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballots. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have his name printed on the official ballots for the election, all candidates participating in said tie vote shall have their names printed on the official ballots, although in consequence thereof there be printed on such ballots the names of candidates exceeding twice the number to be elected.
- e) Condition Making Preliminary Unnecessary: If at the expiration of time for filing statements of candidates to be voted upon at any preliminary election not more than twice as many such statements have been filed with the city clerk for an office as candidates are to be elected to such office, the candidates whose statements have been filed with the city clerk shall be deemed to have been nominated to such office, and their names shall be voted upon for such office at the succeeding general election, and the city clerk shall not print their names on the ballots to be used at said preliminary election and no other

nomination to such office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballots to be used in any particular ward or wards of the city, no preliminary election shall be held in such ward or wards.

- f) **Ballot Position:** The order in which names of candidates appear on the ballot for each office shall be determined by a drawing, by lot, conducted by the clerk. The clerk shall give public notice of the time and place of the drawing, and the drawing shall be open to the public.

2. NON-PARTISAN ELECTIONS

- a) All elections for municipal offices shall be non-partisan and election ballots shall be printed without any party mark, emblem, or other designation whatsoever.

3. DISTRICTS

- a) The territory of Framingham shall be divided into 9 districts so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits. Each such district shall be composed of voting precincts established in accordance with general laws. The council shall from time to time, but at least once in each 10 years, review such districts to insure their uniformity in number of inhabitants and conformity with state and federal law.

4. APPLICATION OF STATE GENERAL LAWS

- a) Except as otherwise expressly provided in this charter and authorized by law, all municipal elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes, and the determination of results.

1. PETITIONS TO COUNCIL OR SCHOOL COMMITTEE

- a) **Individual Petitions, Action Discretionary:** The council and the school committee shall receive all petitions, signed by one or more voters, which are addressed to either of them and may, in their discretion, take such action in regard to each such petition as may be deemed necessary and advisable.
- b) **Group Petitions Action Required:** The council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred votes, or more, and which seeks the passage of a measure. The hearing shall be held by the council or the school committee, or, in either case, by a committee or subcommittee thereof, and the action by the town council or the school committee shall be taken not later than three months after the petition is filed with the

clerk of the council or the secretary of the school committee as may be appropriate. Hearings on two or more petitions filed under this section may be held on the same date and at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten persons whose names appear first on the petition at least forty-eight hours before the hearing. Notice by publication in a local newspaper not less than seven nor more than fourteen days prior to the date set for the public hearing shall be at public expense.

2. CITIZEN INITIATIVE MEASURES

- a) **Commencement**: Initiative procedures shall be started by the filing of a proposed initiative petition with the clerk of the council or the secretary of the school committee, as the case may be. The petition shall be addressed to the council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition, and shall be signed by at least 500 voters comprised of at least 1% of the voters from each district. The signatures must be certified from each district by the municipal clerk. The petition shall be accompanied by an affidavit signed by 10 voters and containing their residential address stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.
- b) **Referral to Solicitor**: The clerk of the council or the secretary of the school committee, as the case may be, shall immediately following receipt of each proposed petition deliver a copy of the petition to municipal solicitor. The municipal solicitor shall, within 15 days after receipt of a copy of the petition, in writing, advise the council or the school committee, as may be appropriate, whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form it may be lawfully adopted by the council or the school committee. If the opinion of the municipal solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion in full. A copy of the opinion of the municipal solicitor shall also be mailed to the person designated as clerk of the petitioners committee, and any further petition shall be submitted under Section 7-7(a).
- c) **Submission to Clerk**: If the opinion of the municipal solicitor is that the petition is in a proper form, the municipal clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the municipal solicitor, together with the names and addresses of the petitioners committee who signed the originating petition. Within 30 days after the date the blank forms are issued by the municipal clerk, the petitions shall be returned and filed with the municipal clerk signed by at least 10 per cent of the total number of voters as of the date of the most recent municipal election. Signatures to an initiative petition need not all be on 1 paper but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on them of the name and residence address of the person designated as filing the petition. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days after the filing of the petition the board of registrars of voters shall ascertain by what number of voters the petition has been signed, and what percentage that number is of the total number of voters as of the date of the most recent

municipal election. The municipal clerk shall attach to the petition a certificate showing the results of their examination and shall return the petition to the clerk of the council, or the secretary of the school committee, depending on how the petition is addressed. A copy of the board of registrars of voters certificate shall also be mailed to the person designated as clerk of the petitioners committee.

- d) Action on Petitions: Within 30 days after the date a petition has been returned to the clerk of the council, or the secretary of the school committee, and after publication under section), the municipal council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure, or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be considered to be a rejection of the initiative measure. If the municipal council or the school committee fails to act with respect to any initiative measure that is presented to it within 30 days after the date it is returned to it, the measure shall be considered to have been rejected on the thirtieth day. If an initiative measure is rejected, the clerk of the council, or the secretary of the school committee, shall promptly give notice of that fact to the person designated as the clerk of the petitioners committee, by certified mail.
- e) Supplementary Petitions: Within 60 days after the date an initiative petition has been rejected by the council, a supplemental initiative petition may be filed with the clerk of the council or the secretary of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters which is equal to 5 per cent of the total number of voters as of the date of the most recent municipal election, and the signatures on the initial petition filed under subsection (c), above, and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15 per cent of the total number of voters in Framingham, and in each of the districts into which the municipality is divided for the purpose of elections. If the number of signatures to the supplemental petition is found to be sufficient by the municipal clerk, the council shall call a special election to be held on a date fixed by it not less than 35 nor more than 90 days after the date the council votes to call for the special election and shall submit the proposed measure, without alteration, to the voters for determination, but if any other municipal election is to be held within 120 days after the date of the certificate, the council may omit the calling of the special election and cause the question to appear on the election ballot at the next regular municipal election for determination by the voters.
- f) Publication: The full text of any initiative measure which is submitted to the voters shall be published in a local newspaper not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the municipal clerk, and in such other venues as may be determined by the clerk, including, but not limited to, the public library, and the official municipal web site or similar electronic posting.
- g) Form of Question: The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure, which was proposed by an initiative petition, take effect?

(Here, insert a fair, concise summary prepared by the solicitor.)

YES

NO

- h) Time of Taking Effect: If a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

3. CITIZEN REFERENDUM PROCEDURES

- a) Petition, Effect on Final Vote: If, within 30 days after the date on which the council or the school committee has voted finally to approve of any measure, a petition signed by a number of voters equal to 15 percent of the total number of voters as of the date of the most recent regular municipal election and addressed to the council or to the school committee, as the case may be, protesting against the measure or any part of it is filed with the secretary of the school committee or clerk of the council, the implementation of the measure and effective date of the measure shall be temporarily suspended. The school committee or the council shall immediately reconsider its vote on the measure or part of it, and, if the measure is not rescinded, the council shall provide for the submission of the question for a determination by the voters, either at a special election which it may call at its convenience, or within such time as may be requested by the school committee, or at the next regular municipal election, but pending such submission and determination the effect of the measure shall continue to be suspended.
- b) Certain Initiative Provisions to Apply: The petition described in this section shall be termed a referendum petition and, insofar as applicable, section XXX shall apply to such referendum petitions, except that the words “measure or part thereof protested against” shall be deemed to replace the word “measure” in said sections wherever it may occur and the word “referendum” shall be deemed to replace the word “initiative” wherever it may occur in those sections. The measure, or part thereof protested against, shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

4. INELIGIBLE MEASURES

- a) None of the following shall be subject to the initiative or the referendum procedures:
- b) proceedings relating to the internal organization or operation of the council or the school committee;
- c) an emergency measure adopted in conformity with the charter;
- d) the municipal budget or the school committee budget as a whole;
- e) revenue loan orders;
- f) any appropriation for the payment of the municipality’s debt or debt service;

- g) an appropriation of funds to implement a collective bargaining agreement;
- h) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion, or other personnel action;
- i) any proceedings repealing or rescinding a measure or part thereof which is protested by referendum procedures;
- j) any proceedings providing for the submission or referral to the voters at an election; and
- k) memorial resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

5. SUBMISSION OF OTHER MATTERS TO VOTERS

- a) The council may of its own motion, and shall at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at any regular municipal election for adoption or rejection any measure in the same manner and with the same force and effect as is hereby provided for submission by petitions of voters.

6. CONFLICTING PROVISIONS

- a) If two or more measures passed at the same election contain conflicting provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.

5. RECALL ELECTIONS

- a) Application: Any person holding an elected municipal office may be recalled from that office by the voters under the procedures made available in this section.
- b) Recall Affidavit
 - i) Office Elected by Voters at Large: 800 or more voters may file with the board of registrars of voters an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The signatures on this affidavit shall contain the names of at least 100 voters in each of the districts into which Framingham is divided for the purpose of elections.
 - ii) Officer Elected by District: 300 or more voters from the district where an officer elected by said district is sought to be recalled may file with the board of registrars of voters an affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall. The signatures on this affidavit shall contain the names only of voters in the district from which the officer was elected.

c) Recall Petition: At Large, or by District: If the affidavit is found to be valid, the municipal clerk shall deliver to the first 10 persons named on the affidavit, petition blanks demanding said recall, printed forms of which shall be kept available. The blanks may be completed by printing or by typewriting; they shall be addressed to the council; they shall contain the names and residence addresses of the 10 persons to whom they are issued and they shall contain the grounds for recall as stated in the affidavit;; and they shall be dated and signed by the municipal clerk. The recall petitions shall be returned to the office of the board of registrars of voters within 30 days after the date they are issued, signed by not less than 15% of the total number of voters in the district for an official elected by the district, or of the municipality for an official elected at large, as of the date of the most recent regular municipal election. For the recall petition of an official elected at large, the signatures on these petitions shall contain the names and addresses of at least 1% of the voters in each of the districts into which Framingham is divided for the purpose of elections. The sheets constituting a petition need not all be filed at the same time. For the purposes of this section, a petition shall be considered filed whenever the persons responsible for its filing notify the board of registrars of voters in writing, that the filing is complete. Before receiving such notice the board of registrars of voters may, but shall not be required to, certify signatures on the sheets already filed. The board of registrars of voters, shall within 10 days following the date the petition forms are filed certify the number of signatures on them which are the names of voters and the percentage that number represents of the total number of voters in each district as of the date of the regular municipal election.

d) Recall Election: If the petitions are certified by the board of registrars of voters to contain a sufficient number of signatures, they shall immediately submit the petitions, with their certificate, to the council. Upon receipt of the certified petition forms, the council shall immediately give written notice to the officer whose recall is sought of the validity of the petitions. If the officer whose recall is sought does not resign the office within 5 days after delivery of the notice, or by its having been left at the last known place of residence, the council, after consultation with the municipal clerk, shall order a special election to be held on a date no less than 35 nor more than 90 days after the date of its notice to the officer whose recall is sought.

e) Ballot Question: Ballots used at the recall election shall state the proposition in substantially the following form:

Shall (insert name of officer) be recalled from the office of (insert name of office held)?

YES

NO

f) Officeholder: The person whose recall is sought shall continue to hold the office and to perform the duties until the recall election. If a majority of the votes cast on the question

as stated above is in the affirmative, the officer shall be considered to be recalled, and the office shall be considered to be vacant upon the certification of the election results. If a majority of the votes cast on the question is in the negative, the person whose recall was sought shall continue in the office until the expiration of the term for which elected, but subject to recall as provided in section (g), below.

- g) Restriction on Recall Petition: No recall petition shall be filed against any officer until at least 6 months following the commencement of a term of office, nor, in the case of an officer subjected to a recall election and not recalled thereby, during the remainder of the current term of office. A recall election shall not be held if less than 6 months of the term of office of the person whose recall is sought remains at the time of the certification of the petition forms.
- h) Filling of Vacancy:
 - i) If the office of mayor is declared vacant as the result of a recall election, the council shall immediately call a special election to be held on a date fixed by it not less than 95 nor more than 100 days after the date of the recall election. The person elected at that special election shall serve for the balance of the unexpired term remaining at the time of election.]
 - ii) Vacancies in any other office shall be filled under sections 2-11, [TBD for school committee] and 7-13. No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by that recall.

Article VIII: OTHER ELECTED OFFICIALS

7. Board of Library Trustees

- d. Composition, Term of Office: There shall be a Board of Library Trustees which shall consist of twelve members nominated and elected by voters of the municipality at large. The term of office for the twelve Library Trustees shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that as nearly an equal number of members as is possible shall be filled at each regular municipal election.
- e. Eligibility: A Library Trustee shall at the time of election be a voter. If a Library Trustee removes from the municipality during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in this section.
- f. Officers: As soon as practicable after the Library Trustees elect have been qualified following each regular municipal election, Board of Library Trustees shall organize by electing one of the Trustees to serve as chair, one to serve as vice-chair and one to serve as clerk, until the next regular municipal election. The chair shall preside at all meetings of the Board of Library Trustees, regulate its proceedings and shall decide all questions of order. The chair shall appoint all members of all sub-committees, whether special or standing.
- g. Prohibitions: No member of the Board of Library Trustees shall hold any position in the library department for which a salary or other emolument is payable from the municipal treasury. No former member of the Board of Library Trustees shall hold any compensated position in the library department until one year after the date on which the member's service on the Board of Library Trustees has terminated.
- h. Compensation, Expenses: The members of the Board of Library Trustees shall receive no salary for their services. Subject to appropriation and to prior authorization by the mayor, the Library Trustees shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties
- i. Powers and Duties: The Board of Library Trustees shall have all powers which are conferred on it by general laws and any additional powers and duties that may be provided by the charter, by ordinance, or otherwise and are not inconsistent with this charter. The powers and duties of the Board of Library Trustees shall include the following:
 - i. To make all reasonable rules and regulations for the operation of the municipality's libraries and for conducting the business of the Board of Library Trustees as may be considered necessary or desirable;
 - ii. To advise and make recommendation to the mayor for an annual operating budget for the library department. The Library Trustees shall advise the mayor on all matters

concerning the library department, including personnel recommendations, equipment and, buildings and grounds; and,

iii. To accept donations and manage funds in its trust.

- j. Filling of vacancies: If a vacancy shall occur in the office of Library Trustee, the vacancy shall be filled by a majority vote of the combined total number of members of the council and Board of Library Trustees meeting in a joint session.

8. Board of Cemetery Trustees

- a. Composition, Term of Office: There shall be a Board of Cemetery Trustees which shall consist of five members nominated and elected by voters of the municipality at large. The term of office for the five Cemetery Trustees shall be for four years each, beginning on the first business day of January in the year following their election, and until their successors have been qualified. The terms of office shall be so arranged that as nearly an equal number of members as is possible shall be filled at each regular municipal election.
- b. Eligibility: A Cemetery Trustee shall at the time of election be a voter. If a Cemetery Trustee removes from the municipality during the term for which elected, the office shall immediately be considered vacant and filled in the manner provided in this section.
- c. Officers: As soon as practicable after the Cemetery Trustees elect have been qualified following each regular municipal election, Board of Cemetery Trustees shall organize by electing one of the Trustees to serve as chair, one to serve as vice-chair and one to serve as clerk, until the next regular municipal election. The chair shall preside at all meetings of the Board of Cemetery Trustees, regulate its proceedings and shall decide all questions of order. The chair shall appoint all members of all sub-committees, whether special or standing.
- d. Prohibitions: No member of the Board of Cemetery Trustees shall hold any position in the Cemetery department for which a salary or other emolument is payable from the municipal treasury. No former member of the Board of Cemetery Trustees shall hold any compensated position in the Cemetery department until one year after the date on which the member's service on the Board of Cemetery Trustees has terminated.
- e. Compensation, Expenses: The members of the Board of Cemetery Trustees shall receive no salary for their services. Subject to appropriation and to prior authorization by the mayor, the Cemetery Trustees shall be entitled to reimbursement of their actual and necessary expenses incurred in the performance of their duties
- f. Powers and Duties: The Board of Cemetery Trustees shall have all powers which are conferred on it by general laws and any additional powers and duties that may be provided by the charter, by ordinance, or otherwise and are not inconsistent with this charter. The powers and duties of the Board of Cemetery Trustees shall include the following:

- i. To make all reasonable rules and regulations for the operation of the municipality's cemeteries and for conducting the business of the Board of Cemetery Trustees as may be considered necessary or desirable;
 - ii. To advise and make recommendation to the mayor for an annual operating budget for the Cemetery department. The Cemetery Trustees shall advise the mayor on all matters concerning the Cemetery department, including personnel recommendations, equipment and, buildings and grounds; and,
 - iii. To accept donations and manage funds in its trust.
- g. Filing of vacancies: If a vacancy shall occur in the office of Cemetery Trustee, the vacancy shall be filled by a majority vote of the combined total number of members of the council and Board of Cemetery Trustees meeting in a joint session.

Article IX: GENERAL PROVISIONS

1. CHARTER CHANGES

This charter may be replaced, revised or amended under any procedure made available under the Massachusetts constitution or by statute.

2. SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions shall not be affected thereby. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

3. SPECIFIC PROVISION TO PREVAIL

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

4. RULES AND REGULATIONS

A copy of all rules and regulations adopted by any municipal agency shall be placed on file in the office of the municipal clerk and shall be available for review by any person who requests such information at any reasonable time. No rule or regulation adopted by any municipal agency shall become effective until 5 days after the date it is so filed. All rules and regulations which have finally been adopted shall be promptly posted on the municipal website.

5. PERIODIC REVIEW OF CHARTER

In every year ending in three, the municipality shall appoint a Charter Review Committee to review the Framingham Charter and make report and recommendations to voters for changes to it. Said Committee shall consist of 11 members: three elected by the council, three elected by the school committee, and five appointed by the mayor. All appointees shall be voters of the municipality but shall not be elected or appointed officers or employees of the municipality. The Committee shall, after a public hearing, file its report and recommendations with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the Committee shall appear on the council agenda for action before the fifteenth day of June in that year and, if not so scheduled by the clerk of the council, the matter shall come before the council for action at its next meeting held after the said fifteenth day of June, and no other business shall be in order until the report has been acted upon, by roll call vote. The only action before the council will be whether to place the Committee's report and recommendations before the voters for their consideration.

6. PERIODIC REVIEW AND RECODIFICATION OF ORDINANCES

Not later than the first day of July, at 5-year intervals, in each year ending in a 5 or in a zero, the mayor and council shall provide for a review to be made of the ordinances of the municipality for the purpose of preparing a proposed revision or recodification of them, without substantive change. This review shall be made by a special committee to consist of 9 members, 4 of these members shall be appointed by the council and 5 of the members shall be appointed by the mayor. Two of the persons appointed by the council shall be members of the council and the remaining members shall be voters of the municipality. The special committee shall file its report with the clerk of the council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the council agenda for action before the fifteenth day of June in that year and, if not so scheduled by the clerk of the council, the matter shall come before the council for action at its next meeting held following the said fifteenth day of June, and no other business shall be in order until the report has been acted upon, by roll call vote.

The review of municipal ordinances shall be under the supervision of the municipal solicitor. A revision, recodification or republication of the ordinances shall be made at 5-year intervals. Copies of the revision, recodification or republication shall be made available to the public at a cost not to exceed the actual cost of such reproduction. In each year between such reenactments, an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

7. UNIFORM PROCEDURES GOVERNING MULTIPLE MEMBER BODIES

- a. Meetings: All multiple-member bodies of the municipality, whether elected, appointed or otherwise constituted, shall meet regularly at such times and places as they may, by their own rules prescribe, unless some other provision is made by ordinance or by law. Special meetings of any multiple-member body shall be held on the call of the chair or by one-third of the members thereof by written notice delivered in hand or to the place of residence of each member at least 48 hours in advance of the time set, which shall contain notice of the subjects to be acted upon. A copy of the notice shall also be posted on the municipal bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public and the media.
- b. Rules: Each multiple-member body shall determine its own rules and order of business unless another provision is made by ordinance or by law, and shall provide for keeping of the minutes of its proceedings. These rules shall be a public record and copies shall be placed on file in the office of the municipal clerk and posted on the municipal bulletin board.
- c. Voting: If requested by any member, any vote of any multiple-member body shall be taken by a call of the roll and the vote of each member shall be recorded in the meeting minutes, but if the vote is unanimous, only that fact need be recorded.
- d. Quorum: A majority of the members of a full multiple-member body shall constitute a quorum, but a smaller number may meet and adjourn from time to time. Unless some other provision is made by law, by ordinance or by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full

membership of the body shall be required to adopt any vote representing an exercise of the powers of the multiple-member body.

8. NUMBER AND GENDER

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

9. REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the commonwealth of Massachusetts and are intended to refer to and to include any amendments or revisions to those chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

10. COMPUTATION OF TIME

In computing time under this charter, the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included; when the period is 7 days or more, every day shall be counted.

11. OATH OF OFFICE OF ELECTED OFFICIALS

Elected officials shall, on the first business day in January of each even-numbered year, meet and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the municipal clerk, or by a judge of a court of record, or by a justice of the peace or by a Massachusetts Constitutional Officer. The oath may be administered to other elected officials by the mayor, after the mayor has been duly sworn, or by any of the above-named officials. A certificate that said oath or oaths have been taken shall be entered in the meeting minutes of the council.

In case of the absence of an elected official on the day the oath of office is administered, the oath may at any time thereafter be administered to that person. A certificate of each oath subsequently taken shall be entered in the meeting minutes of the council.

After the oath has been administered to the councilors present, they shall organize by electing from among their number a person to serve as the chair and a person to serve as the vice-chair, as provided in section 2-2. If the municipal clerk is unable to preside during this election, the council member senior in years of service on the council shall preside during the election. If 2 or more members are equally senior in years of service on the council, the member senior both in years of service and age shall preside. The chair and vice-chair shall be sworn by the municipal

clerk, or, in the case of the absence of the municipal clerk, by any person qualified to take oaths or affirmations.

After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the chair and a person to serve as the vice-chair, as provided in section 4-2. If the municipal clerk is unable to preside during this election, the member senior in years of service on the school committee shall preside during the election. If 2 or more members are equally senior in years of service on the school committee, the member senior both in years of service and age shall preside. The chair and the vice-chair shall be sworn by the municipal clerk, or, in the case of the absence of the municipal clerk, by any person qualified to take oaths or affirmations.

12. CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected, including those elected by the council, or appointed to an office of the municipality shall receive a certificate of such election or appointment from the municipal clerk. Except as otherwise provided by law, every person who is elected, including those elected by the council, or appointed to an office of the municipality, before performing any act under such appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties of the office. A record of this oath shall be kept by the municipal clerk and shall be open to the inspection of the public.

13. LIMITATION ON OFFICE HOLDING

No person shall simultaneously hold more than one full-time municipal office or position of employment. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in another part-time position or a full-time position.

14. ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the mayor to see that the provisions of the charter are faithfully followed and complied with by all municipal agencies and municipal employees.

Whenever it appears to the mayor that any municipal agency or municipal employee is failing to follow any provision of this charter, the mayor shall, in writing, cause notice to be given to that agency or employee directing compliance with the charter. If it shall appear to the council that the mayor personally is not following the provisions of the charter, it shall, by resolution, direct the attention of the mayor to those areas in which it believes that there is a failure to comply with charter provisions. The procedures made available in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

15. ANNUAL REPORT OF THE MUNICIPALITY

An annual report which contains a general summary of the activities of all municipal agencies shall be published within 90 days after the close of each fiscal year. The annual report shall contain reports by the mayor, the council, the director of municipal finance, the treasurer, the

school committee and such other municipal agencies as may be required by ordinance to provide reports. The annual report shall be made available for inspection at the office of the municipal clerk, at the municipal Library, and on the official municipal website.

16. NOTICE OF VACANCIES

Whenever a vacancy occurs, or is about to occur, in any municipal office or municipal employment, except for positions covered by the civil service law, the appointing authority shall immediately cause public notice of the vacancy, or impending vacancy, to be posted on the municipal bulletin board for a period of not less than 14 days. Any person who desires to be considered for appointment to the office or employment may file with the appointing authority a statement in clear and specific terms setting forth the person's qualifications for the position. No permanent appointment to fill a vacancy in an office or employment shall be effective until at least 14 days have elapsed following the posting, and until all persons who have filed statements in application have been considered.

17. PROHIBITION

No elected official other than the mayor shall be eligible to participate in the municipality's group health insurance, life insurance, or other benefit programs.

Article X: TRANSITIONAL PROVISIONS

TBD

Discussion Draft